

EXHIBIT A

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5 Attorneys for Plaintiff

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF SAN FRANCISCO

10 EDGAR HARUTYUNYAN,

11)
12) Plaintiff,
13)
14)
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20)
21)
22)
23)

24 BLOOMBERG LP; and DOE
25 DEFENDANTS 1 through 100,
Inclusive,

26)
27) Defendants.
28)

CASE NO.:

CGC-14-543337

COMPLAINT FOR DAMAGES:

- (1) NATIONAL ORIGIN/ANCESTRY
DISCRIMINATION (Cal Gov. Code
Sec. 12940)
- (2) DISABILITY/MEDICAL
CONDITION DISCRIMINATION
(Cal. Gov. Code Sec. 12940)
- (3) HARASSMENT AND HOSTILE
WORK ENVIRONMENT (Cal. Gov.
Code Sec. 12940)
- (4) RETALIATION (Cal. Gov. Code.
Sec. 12940)
- (5) FAILURE TO PREVENT
HARASSMENT, HOSTILE
WORK ENVIRONMENT,
DISCRIMINATION AND
RETALIATION (Cal. Gov. Code
Sec. 12940)
- (6) WRONGFUL TERMINATION IN
VIOLATION OF PUBLIC POLICY
- (7) NEGLIGENT HIRING,
RETENTION AND SUPERVISION
- (8) INTENTIONAL INFLICTION OF
EMOTIONS DISTRESS

**UNLIMITED JURISDICTION
OVER \$25,000.00**

**ENDORSED
FILED**
Superior Court of California
County of San Francisco
DEC 22 2014
CLERK OF THE COURT
BY: ROSSALY DELAVEGA-NAVARRO
Deputy Clerk

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): John Akopian, Esq. (SBN 238226) 1101 E. Broadway, Suite 200 Glendale, CA 91205		FOR COURT USE ONLY FILED Superior Court of California County of San Francisco DEC 22 2014 CLERK OF THE COURT BY: ROSSALY DELAVEGA-NAVARRO Deputy Clerk
TELEPHONE NO.: (818) 244-0050 FAX NO.: ATTORNEY FOR (Name): Plaintiff Edgar Harutyunyan		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Civic Center Courthouse		
CASE NAME: Edgar Harutyunyan v. Bloomer LP, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER: CGC-14-543337 JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input checked="" type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): (8) Discrimination; Harass.; Retaliation; Wrongful Term.; Neg.; Emo. Distress
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: December 17, 2014
 John Akopian, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

1 COMES NOW Plaintiff EDGAR HARUTYUNYAN and hereby DEMANDS A JURY
2 TRIAL, and hereby files this Complaint and alleges, as follows:

3 **JURISDICTION AND VENUE**

4 1. This Court has personal jurisdiction over the Defendants because they are
5 residents of and/or are doing business in the State of California, County of San Francisco,
6 entered into a contractual relationship in the State of California, County of San Francisco, and/or
7 otherwise as alleged herein, at all relevant times herein.

8 2. Venue is proper in this county in accordance with Section 395 et seq. of the
9 California Code of Civil Procedure because (a) some or all of the defendants reside in San
10 Francisco County and/or they are doing business in the State of California, County of San
11 Francisco; (b) the injury/damages occurred in the State of California, County of San Francisco;
12 © the parties entered into a contractual relationship and the breach occurred in the State of
13 California, County of San Francisco; and/or (d) as otherwise alleged herein, at all relevant times
14 herein.

15 3. This case has been filed in the Superior Court of California, County of San
16 Francisco, Civic Center Courthouse, because under the Local Rules this action may be filed in
17 the Superior Court of California, County of San Francisco, Civic Center Courthouse.

18 **THE PARTIES**

19 4. Plaintiff EDGAR HARUTYUNYAN ("Plaintiff") is a competent adult over the
20 age of 18 years and a resident of the State of California, County of San Francisco, at all relevant
21 times herein.

22 5. Defendant BLOOMBERG LP ("Defendant Bloomberg") is limited partnership
23 authorized to do business and/or doing business within the State of California, County of Los San
24 Francisco, with its principal place of business located within the State of California, County of
25 San Francisco at 3 Pier, San Francisco, CA 94111.

26 **DOE ALLEGATIONS AND AGENCY**

27 6. Plaintiff is informed and believes and thereon alleges that those defendants
28 designated as DOE DEFENDANTS 1 through 100, inclusive, ("Doe Defendants") are

1 responsible in some manner of way for the events transactions, happenings, representations,
 2 conduct, acts and/or omissions and caused injury and damage thereby to the Plaintiff, as alleged
 3 herein. Doe Defendants are residents of the State of California, County of San Francisco, a
 4 business, form unknown, organized and operating under the laws of the State of California,
 5 County of San Francisco, and/or authorized to do business and doing business within the State of
 6 California, County of San Francisco, at all relevant times herein. The true names and capacities
 7 of defendants named herein as Doe Defendants whether a corporation, agent, individual, or
 8 otherwise, are unknown to Plaintiff who therefore sues Doe Defendants by fictitious names
 9 pursuant to California Code of Civil Procedure Section 474. Plaintiff will amend this Complaint
 10 to show true names and capacities when they have been determined.

11 7. Plaintiff is informed and believes and thereon alleges that Defendant and/or
 12 Doe Defendants were the authorized licensee, agent, principal, partner, joint venturer, guarantor
 13 (actual or ostensible) or delagee of the other remaining Defendants and/or Doe Defendants and
 14 had full authority to do as alleged herein. Defendant and/or Doe Defendants were under the
 15 direct supervision, employ, and/or control of the other remaining defendants, and/or the
 16 employees, representatives and/or agents of the other remaining Defendants and/or Doe
 17 Defendants and acting within the course and scope of their employment, representation, and/or
 18 agency such that the acts, representations and/or omissions alleged herein was within the scope
 19 of actual or apparent authority and/or the acts, representations and/or omissions alleged herein
 20 were ratified and adopted by each other remaining Defendants and/or Doe Defendants as
 21 principal, at all relevant times herein. Each Defendant and/or Doe Defendant was completely
 22 dominated and controlled by the other Defendants and each was the alter ego of the other.

23 COMMON ALLEGATIONS

24 8. Plaintiff is Armenian and his national origin/ancestry is Armenia. Plaintiff brings
 25 this action for the purpose of obtaining relief and damages under California law and alleges
 26 certain causes of action, as follows: 1) National Origin/Ancstry Discrimination (Cal. Gov. Code
 27 Sec. 12940 et seq.); 2) Disability/Medical Condition Discrimination (Cal. Gov. Code Sec. 12940
 28 et seq.; 3) Harassment and Hostile Work Environment (Cal. Gov. Code Sec. 12940 et. seq.;

1 4) Retaliation (Cal. Gov. Code Sec. 12940 et seq.); 5) Failure to Prevent Harassment, Hostile
2 Work Environment, Discrimination and Retaliation (Cal. Gov. Code Sec. 12940 et seq.; 6)
3 Wrongful Termination in Violation of Public Policy; 7) Negligent Hiring, Retention and
4 Supervision; and 8) Intentional Infliction of Emotional Distress. Plaintiff seeks general,
5 compensatory, punitive, actual damages, liquidated and statutory damages, penalties, costs,
6 prejudgment interest, post judgment interest, attorneys' fees, and/or all damages provided for by
7 law resulting from Defendants' unlawful and tortious conduct, as alleged herein. Each of the
8 Defendants is sued individually and in its, his or her capacity as an employer, owner, agent,
9 representative, manager, supervisor, independent contractor and/or employee of each Defendant.

10 9. On or about July 16, 2012, Plaintiff was employed by Defendant Bloomberg
11 and/or Doe Defendants as a Generalist. On or about April 2013 Plaintiff became an Equity
12 Specialist. Continuing until on or about June 27, 2014, Plaintiff was qualified for employment
13 with and employed full time by Defendant Bloomberg and/or Doe Defendants at the business
14 office located at 3 Pier, San Francisco, CA 94111.

15 10. On or about July 16, 2013 and continuing through June 27, 2014, Plaintiff
16 was a member of the protected class and entitled to protection pursuant to the Fair Employment
17 and Housing Act ("FEHA"), as well as all applicable California and Federal law, at all relevant
18 times herein.

19 11. On or about July 16, 2013 and continuing through June 27, 2014, Defendant
20 Bloomberg and Doe Defendants, their employees, agents, representatives, managers and/or
21 supervisors were subject to the FEHA pursuant to Cal. Gov. Code Section 12926(d) and all other
22 applicable laws of the State of California as said Defendants were and are employers who
23 regularly employed five or more persons, at all relevant times herein.

24 12. On or about July 16, 2012, and continuing during and throughout Plaintiff's
25 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
26 employees, agents, representatives, managers and/or supervisors, within the course and scope of
27 such employment, agency and/or representation, subjected Plaintiff to a pattern of prohibited
28 discrimination, harassment, disparate treatment, and retaliation; unlawfully denied Plaintiff a

1 work environment free from discrimination, denied Plaintiff raises, bonuses and promotions,
2 denied Plaintiff family medical care and/or medical leave, denied Plaintiff reinstatement and
3 unlawfully terminated him due to Plaintiff's national origin/ ancestry (Armenian), by and through
4 the acts, omissions, conduct, statements, and/or representations, alleged herein.

5 **13.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
6 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
7 employees, agents, representatives, managers and/or supervisors, within the course and scope of
8 such employment, agency and/or representation, subjected Plaintiff to a pattern of prohibited
9 discrimination, harassment, disparate treatment, and retaliation; unlawfully denied Plaintiff a
10 work environment free from harassment and discrimination, denied Plaintiff raises, bonuses and
11 promotions, denied Plaintiff family medical care and/or medical leave, denied Plaintiff
12 reinstatement and unlawfully terminated him due to Plaintiff's disability/medical condition,
13 by and through the acts, omissions, conduct, statements, and/or representations, alleged herein.

14 **14.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
15 employment through June 27, 2014, the acts, omissions, conduct, statements and/or
16 representations by Defendant Bloomberg and Doe Defendants, as alleged herein, were carried out
17 and ratified by and through their employees, agents, representatives, managers, supervisors,
18 officers and/or directors in their official capacities for said Defendants.

19 **15.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
20 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, by and through
21 their employees, agents, representatives, managers, supervisors, officers and/or directors in their
22 official capacities for said Defendants, were responsible for the implementation of a number of
23 policies and procedures and/or implementation whereby Plaintiff was treated substantially
24 differently than the other similarly situated employees.

25 **16.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
26 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants acted in concert
27 and in furtherance of each other's interest, such that the acts, omissions, conduct, statements,
28 and/or representations alleged herein were known to and ratified by other Defendants.

19. On or about June 27, 2014, Plaintiff was terminated from his full time employment as an Equity Specialist by Defendant Bloomberg and/or Doe Defendants. Such termination was unlawful and wrongful in violation of California law and otherwise, as alleged herein.

21. The allegations of every other paragraph of this Complaint are incorporated herein

1 by reference as if set forth in full below.

2 **22.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
3 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
4 employees, agents, representatives, managers and/or supervisors, within the course and scope of
5 such employment, agency and/or representation, discriminated and retaliated against Plaintiff
6 because of Plaintiff's national origin/ancestry (Armenian). Plaintiff was subjected to separate,
7 continuing and ongoing incidents of discrimination, harassment, and/or ridicule including,
8 without limitation, ethnic epithets, prejudicial, disparaging, abusive, contemptuous, and/or crude
9 and crass remarks, comments, jokes and/or statements based on Plaintiff's national origin/
10 ancestry (Armenian). Plaintiff was subjected to disparate treatment such that Plaintiff was
11 denied equal working and/or employment conditions compared to other non-Armenian similarly
12 situated employees including, without limitation, as follows: Plaintiff was constantly and
13 continuously scrutinized for errors or fault in his work, which was a pretext to build a basis to
14 terminate Plaintiff, compared to similarly situated non-Armenian employees who were not so
15 scrutinized, based on Plaintiff's national origin/ancestry (Armenian); and Plaintiff was required
16 to perform extra, additional and/or different work hours, work load, work duties and/or work
17 obligations, compared to similarly situated non-Armenian employees who were not required to
18 perform the same or similar extra, additional and/or different work hours, work load, work duties
19 and/or work obligations as Plaintiff, based on Plaintiff's national origin/ancestry (Armenian).
20 Plaintiff was subjected to retaliation when after he began to complain of such treatment, Plaintiff
21 was then subjected to worse, more frequent discrimination of the same/similar type as alleged.

22 **23.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
23 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
24 employees, agents, representatives, managers and/or supervisors, within the course and scope of
25 such employment, agency and/or representation, denied Plaintiff raises, bonuses and promotions
26 based on Plaintiff's national origin/ancestry (Armenian). Plaintiff was subjected to disparate
27 treatment based on his national origin/ancestry (Armenian) when he was denied the same or
28 similar raises, bonuses, promotions, pay, and/or perks compared to other non-Armenian similarly

1 situated employees.

2 **24.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
3 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
4 employees, agents, representatives, managers and/or supervisors, within the course and scope of
5 such employment, agency and/or representation, denied Plaintiff family medical care and/or
6 medical leave based on Plaintiff's national origin/ancestry (Armenian). Plaintiff was subjected to
7 disparate treatment based on his national origin/ancestry when he was denied the same or similar
8 family medical care and/or medical leave compared to other non-Armenian similarly situated
9 employees.

10 **25.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
11 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
12 employees, agents, representatives, managers and/or supervisors, within the course and scope of
13 such employment, agency and/or representation, denied Plaintiff reinstatement to employment.
14 Plaintiff was subjected to disparate treatment based on his national origin/ancestry (Armenian)
15 when he was denied reinstatement compared to other non-Armenian similarly situated
16 employees.

17 **26.** On or about June 27, 2014, Defendant Bloomberg and Doe Defendants, their
18 employees, agents, representatives, managers and/or supervisors, within the course and scope of
19 such employment, agency and/or representation, terminated Plaintiff based on Plaintiff's
20 national origin/ancestry (Armenian) and Plaintiff's complaints of discrimination. Although said
21 Defendants claimed that Plaintiff's termination was based on the pretext alleged herein and/or
22 the complaints of other workers, Plaintiff performed his work as required by said Defendants.
23 Plaintiff was subjected to disparate treatment based on his national origin/ancestry (Armenian)
24 when he was terminated compared to other non-Armenian similarly situated employees.

25 **27.** Plaintiff complained of the discrimination, harassment, and/or ridicule alleged
26 herein to Defendant Bloomberg and/or Doe Defendants and/or said Defendants otherwise knew
27 or should have known about such discrimination, harassment, and/or ridicule. Notwithstanding,
28 said Defendants failed to undertake an effective, thorough, complete and objective investigation.

1 of the subject discrimination and harassment. Said Defendants failed to effectively, thoroughly,
2 completely and objectively interview those persons who had knowledge of the discrimination,
3 harassment, and/or ridicule of Plaintiff, including Plaintiff, the persons who discriminated,
4 harassed, and/or ridiculed Plaintiff, and/or other victims of the same or similar discrimination,
5 harassment, and/or ridicule. Said Defendants failed to fully and completely provide the results of
6 any investigation to Plaintiff, the persons who discriminated, harassed, and/or ridiculed Plaintiff,
7 and/or other victims of the same or similar discrimination, harassment, and/or ridicule. Said
8 Defendants failed to take appropriate and effective action against those persons who
9 discriminated, harassed, and/or ridiculed Plaintiff in proportion to the severity of the
10 discrimination, harassment, and/or ridicule suffered by Plaintiff.

11 **28.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
12 employment through June 27, 2014, Defendant Bloomberg and/or Doe Defendants knew or
13 should have known about the discrimination, harassment, and/or ridicule of Plaintiff, and/or said
14 Defendants could have and should have reasonably anticipated national origin/ ancestry
15 harassment and discrimination occurring at the workplace. Notwithstanding, said Defendants
16 failed to take reasonable care and undertook no action to prevent and promptly correct such
17 harassing or discrimination involving employees toward Plaintiff and/or other employees. Said
18 Defendant knew or reasonably should have known that unless said Defendants intervened,
19 adequately supervised, controlled, regulated, disciplined, and/or otherwise prohibited such
20 harassing or discriminatory conduct involving employees toward Plaintiff and/or other
21 employees, the employees engaging in such harassing or discriminatory conduct would believe
22 and perceive that such conduct was ratified and/or condoned by said Defendants.

23 **29.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
24 employment though June 27, 2014, the acts and conduct alleged herein by Defendant Bloomberg
25 and Doe Defendants, their employees, agents, representatives, managers and/or supervisors,
26 within the course and scope of such employment, agency and/or representation, were in violation
27 of California Government Code Section 12940 et seq. Said statute imposes certain duties upon
28 said Defendants, concerning discrimination and retaliation against persons, such as Plaintiff,

1 based on national origin/ancestry and the prohibition of national origin/ancestry discrimination
2 and retaliation. Said statute was intended to prevent the type of injury and damage alleged
3 herein.

4 **30.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
5 employment through June 27, 2014, through the acts and conduct alleged herein by Defendant
6 Bloomberg and Doe Defendants, their employees, agents, representatives, managers and/or
7 supervisors, within the course and scope of such employment, agency and/or representation, said
8 Defendants, in violation of California Government Code Section 12940 et seq., knew about, or
9 should have known about, and failed to investigate and/or properly investigate, prevent or
10 remedy the national origin/ancestry discrimination and retaliation. The acts of discrimination
11 and retaliation alleged herein were sufficiently severe and/or pervasive so as to alter the
12 conditions of employment, and created an abusive and/or discriminatory working environment.
13 The discrimination and retaliation of Plaintiff because of his national origin/ancestry (Armenian),
14 through the actions and/or conduct alleged herein, amounted to unlawful conduct and/or actions
15 on the part of said Defendants, and Plaintiff's national origin/ancestry (Armenian) was a
16 substantial factor motivating said Defendants' conduct, and/or a motivating reason in said
17 Defendants' conduct.

18 **31.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
19 employment through June 27, 2014, the acts and conduct alleged herein by Defendant Bloomberg
20 and Doe Defendants, their employees, agents, representatives, managers and/or supervisors,
21 within the course and scope of such employment, agency and/or representation, were the
22 proximate, legal cause and/or a substantial factor in causing damages to Plaintiff, both special
23 and general damages, according to proof at the time of trial.

24 **32.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
25 employment through June 27, 2014, the wilful, knowing, and/or intentional acts and conduct of
26 discrimination and/or retaliation alleged herein by Defendant Bloomberg and Doe Defendants,
27 their employees, agents, representatives, managers and/or supervisors, within the course and
28 scope of such employment, agency and/or representation, directly and legally caused Plaintiff to

1 suffer actual damages pursuant to California Civil Code § 3333, including but not limited to, a
 2 substantial reduction in past and current income and future income potential in sums as may be
 3 shown according to proof; a substantial injury and damage to his occupation and professional
 4 reputation in a sum as may be shown according to proof; and extreme humiliation,
 5 embarrassment, depression, sleeplessness, emotional pain, emotional distress, mental anguish,
 6 loss of enjoyment of life and other losses from the date of said acts all to Plaintiff's damage in a
 7 sum as may be shown according to proof, as well as other general and special damages according
 8 to proof.

9 **33.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
 10 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
 11 employees, agents, representatives, managers and/or supervisors, within the course and scope of
 12 such employment, agency and/or representation, committed the acts and conduct alleged herein
 13 maliciously, fraudulently and oppressively with the wrongful intention of injuring Plaintiff, from
 14 an improper and evil motive amounting to malice, and in conscious disregard of the rights of
 15 Plaintiff. As a result, Plaintiff requests and is entitled to an award of punitive damages.

16 **34.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
 17 employment through June 27, 2014, as a result of the acts and conduct alleged herein of
 18 Defendant Bloomberg and Doe Defendants, their employees, agents, representatives, managers
 19 and/or supervisors, within the course and scope of such employment, agency and/or
 20 representation, Plaintiff requests and is entitled to attorneys' fees and prejudgment interest.
 21 Pursuant to California Government Code Section 12965(b), Plaintiff requests and is entitled to an
 22 award of attorneys' fees against said Defendants under this cause of action.

23 **SECOND CAUSE OF ACTION**

24 **DISABILITY/MEDICAL CONDITION DISCRIMINATION**

25 **(Cal. Gov. Code Sec. 12940 et seq.)**

26 **(Against Defendant Bloomberg and Doe Defendants)**

27 **35.** The allegations of every other paragraph of this Complaint are incorporated herein
 28 by reference as if set forth in full below.

1 36. On or about July 16, 2012, and continuing during and throughout Plaintiff's
2 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
3 employees, agents, representatives, managers and/or supervisors, within the course and scope of
4 such employment, agency and/or representation, discriminated and retaliated against Plaintiff
5 because of Plaintiff's disability/medical condition (clinical depression). Plaintiff's disability/
6 medical condition (clinical depression) was known by said Defendants, at all relevant times
7 herein. Plaintiff was subjected to separate, continuing and ongoing incidents of adverse,
8 disparate treatment and the failure to make reasonable accommodations by said Defendants based
9 on Plaintiff's disability/medical condition (clinical depression) including, without limitation, as
10 follows: Plaintiff was constantly and continuously scrutinized for errors or fault in his work,
11 which was a pretext to build a basis to terminate Plaintiff for reasons other than his disability/
12 medical condition (clinical depression), which was actual motivation for the termination of
13 Plaintiff; and Plaintiff was required to perform extra, additional and/or different work hours,
14 work load, work duties and/or work obligations based on Plaintiff's disability/medical condition
15 (clinical depression). Plaintiff was subjected to retaliation when after he complained of such
16 adverse, disparate treatment and lack of reasonable accommodations he was then subjected to
17 worse and more frequent adverse, disparate treatment and lack of reasonable accommodations.

18 37. On or about July 16, 2012, and continuing during and throughout Plaintiff's
19 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
20 employees, agents, representatives, managers and/or supervisors, within the course and scope of
21 such employment, agency and/or representation, denied Plaintiff a work environment free from
22 disability/medical condition discrimination. The managers and/or supervisors allowed, permitted,
23 condoned and/or otherwise ratified other employees of Defendant Bloomberg and/or Does
24 Defendants to discriminate against Plaintiff, who subjected Plaintiff to separate, continuing and
25 ongoing incidents of adverse, disparate treatment based on Plaintiff's disability/medical
26 condition (clinical depression).

27 38. On or about July 16, 2012, and continuing during and throughout Plaintiff's
28 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their

1 employees, agents, representatives, managers and/or supervisors, within the course and scope of
2 such employment, agency and/or representation, denied Plaintiff raises, bonuses and promotions
3 based on Plaintiff's disability/medical condition (clinical depression). Plaintiff was subjected to
4 adverse, disparate treatment when he was denied raises, bonuses, promotions, pay, and/or perks
5 based on Plaintiff's disability/medical condition (clinical depression).

6 **39.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
7 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
8 employees, agents, representatives, managers and/or supervisors, within the course and scope of
9 such employment, agency and/or representation, denied Plaintiff family medical care and/or
10 medical leave based on Plaintiff's disability/medical condition (clinical depression). Plaintiff
11 was subjected to adverse, disparate treatment when he was denied family medical care and/or
12 medical leave based on Plaintiff's disability/medical condition (clinical depression).

13 **40.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
14 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
15 employees, agents, representatives, managers and/or supervisors, within the course and scope of
16 such employment, agency and/or representation, denied Plaintiff reinstatement to employment.
17 Plaintiff was subjected to adverse, disparate treatment when he was denied reinstatement based
18 on Plaintiff's disability/medical condition (clinical depression).

19 **41.** On or about June 27, 2014, Defendant Bloomberg and Doe Defendants, their
20 employees, agents, representatives, managers and/or supervisors, within the course and scope of
21 such employment, agency and/or representation, terminated Plaintiff based on Plaintiff's
22 disability/medical condition (clinical depression). Although said Defendants claimed that
23 Plaintiff's termination was based on the pretext alleged herein and/or the complaints of other
24 workers, Plaintiff performed his work as required by said Defendants. Plaintiff's termination was
25 motivated by his disability/medical condition (clinical depression).

26 **42.** Plaintiff complained of the adverse treatment and failure to make reasonable
27 accommodations in consideration of his disability/medical condition (clinical depression) alleged
28 herein to Defendant Bloomberg and/or Doe Defendants and/or said Defendants otherwise knew

1 or should have known about such adverse, disparate treatment and failure to make reasonable
2 accommodations. Notwithstanding, said Defendants failed to undertake an effective, thorough,
3 complete and objective investigation of the subject discrimination. Said Defendants failed to
4 effectively, thoroughly, completely and objectively interview those persons who had knowledge
5 of the discrimination, including Plaintiff, the persons who discriminated against Plaintiff, and/or
6 other victims of the same or similar discrimination. Said Defendants failed to fully and
7 completely provide the results of any investigation to Plaintiff, the persons who discriminated,
8 against Plaintiff, and/or other victims of the same or similar discrimination. Said Defendants
9 failed to take appropriate and effective action against those persons who discriminated against
10 Plaintiff in proportion to the severity of the discrimination suffered by Plaintiff.

11 **43.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
12 employment through June 27, 2014, Defendant Bloomberg and/or Doe Defendants knew or
13 should have known about the adverse, disparate treatment of Plaintiff and failure to make
14 reasonable accommodations in consideration of his disability/medical condition (clinical
15 depression) alleged herein, and/or said Defendants could have and should have reasonably
16 anticipated disability/medical condition discrimination occurring at the workplace.
17 Notwithstanding, said Defendants failed to take reasonable care and undertook no action to
18 prevent and promptly correct such discrimination involving employees toward Plaintiff and/or
19 other employees. Said Defendant knew or reasonably should have known that unless said
20 Defendants intervened, adequately supervised, controlled, regulated, disciplined, and/or
21 otherwise prohibited such discriminatory conduct involving employees toward Plaintiff and/or
22 other employees, the employees engaging in such harassing or discriminatory conduct would
23 believe and perceive that such conduct was ratified and/or condoned by said Defendants.

24 **44.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
25 employment through June 27, 2014, the acts and conduct alleged herein by Defendant Bloomberg
26 and Doe Defendants, their employees, agents, representatives, managers and/or supervisors,
27 within the course and scope of such employment, agency and/or representation, were in violation
28 of California Government Code Section 12940 et seq. Said statute imposes certain duties upon

1 said Defendants, concerning discrimination and retaliation against persons, such as Plaintiff,
2 based on disability/medical condition. Said statute was intended to prevent the type of injury and
3 damage alleged herein.

4 **45.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
5 employment through June 27, 2014, through the acts and conduct alleged herein by Defendant
6 Bloomberg and Doe Defendants, their employees, agents, representatives, managers and/or
7 supervisors, within the course and scope of such employment, agency and/or representation, said
8 Defendants, in violation of California Government Code Section 12940 et seq., knew about, or
9 should have known about, and failed to investigate and/or properly investigate, prevent or
10 remedy the disability/medical condition discrimination and retaliation. The acts of
11 discrimination and retaliation alleged herein were sufficiently severe and/or pervasive so as to
12 alter the conditions of employment, and created an abusive and/or discriminatory working
13 environment. The discrimination and retaliation of Plaintiff because of his disability/
14 medical condition (clinical depression), through the actions and/or conduct alleged herein,
15 amounted to unlawful conduct and/or actions on the part of said Defendants, and Plaintiff's
16 disability/medical condition (clinical depression) was a substantial factor motivating said
17 Defendants' conduct, and/or a motivating reason in said Defendants' conduct.

18 **46.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
19 employment through June 27, 2014, the acts and conduct alleged herein by Defendant Bloomberg
20 and Doe Defendants, their employees, agents, representatives, managers and/or supervisors,
21 within the course and scope of such employment, agency and/or representation, were the
22 proximate, legal cause and/or a substantial factor in causing damages to Plaintiff, both special
23 and general damages, according to proof at the time of trial.

24 **47.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
25 employment through June 27, 2014, the wilful, knowing, and/or intentional acts and conduct of
26 discrimination and/or retaliation alleged herein by Defendant Bloomberg and Doe Defendants,
27 their employees, agents, representatives, managers and/or supervisors, within the course and
28 scope of such employment, agency and/or representation, directly and legally caused Plaintiff to

1 suffer actual damages pursuant to California Civil Code § 3333, including but not limited to, a
 2 substantial reduction in past and current income and future income potential in sums as may be
 3 shown according to proof; a substantial injury and damage to his occupation and professional
 4 reputation in a sum as may be shown according to proof; and extreme humiliation,
 5 embarrassment, depression, sleeplessness, emotional pain, emotional distress, mental anguish,
 6 loss of enjoyment of life and other losses from the date of said acts all to Plaintiff's damage in a
 7 sum as may be shown according to proof, as well as other general and special damages according
 8 to proof.

9 **48.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
 10 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
 11 employees, agents, representatives, managers and/or supervisors, within the course and scope of
 12 such employment, agency and/or representation, committed the acts and conduct alleged herein
 13 maliciously, fraudulently and oppressively with the wrongful intention of injuring Plaintiff, from
 14 an improper and evil motive amounting to malice, and in conscious disregard of the rights of
 15 Plaintiff. As a result, Plaintiff requests and is entitled to an award of punitive damages.

16 **49.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
 17 employment through June 27, 2014, as a result of the acts and conduct alleged herein of
 18 Defendant Bloomberg and Doe Defendants, their employees, agents, representatives, managers
 19 and/or supervisors, within the course and scope of such employment, agency and/or
 20 representation, Plaintiff requests and is entitled to attorneys' fees and prejudgment interest.
 21 Pursuant to California Government Code Section 12965(b), Plaintiff requests and is entitled to an
 22 award of attorneys' fees against said Defendants under this cause of action.

23 **THIRD CAUSE OF ACTION**

24 **HARASSMENT AND HOSTILE WORK ENVIRONMENT**

25 **(California Government Code Section 12940 (j))**

26 **(Against Defendant Bloomberg and Doe Defendants)**

27 **50.** The allegations of every other paragraph of this Complaint are incorporated herein
 28 by reference as if set forth in full below.

1 **51.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
2 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
3 employees, agents, representatives, managers and/or supervisors, within the course and scope of
4 such employment, agency and/or representation, harassed Plaintiff based on his national origin/
5 ancestry (Armenian). Plaintiff was subjected to a pattern of separate, continuing and ongoing
6 incidents of harassment including, without limitation, ethnic epithets, prejudicial, disparaging,
7 abusive, contemptuous, and/or crude and crass remarks, comments, jokes and/or statements,
8 and/or as otherwise alleged herein, based on Plaintiff's national origin/ancestry (Armenian).
9 Plaintiff was also subjected to a pattern of separate, continuing and ongoing incidents of
10 harassment including, without limitation, harassing, humiliating, disparaging, abusive,
11 contemptuous, and/or crude and crass remarks, comments, jokes and/or statements, and/or as
12 otherwise alleged herein, based on Plaintiff's disability/medical condition (clinical depression).

13 **52.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
14 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
15 employees, agents, representatives, managers and/or supervisors, within the course and scope of
16 such employment, agency and/or representation, created a hostile work environment on the basis
17 of Plaintiff's national origin/ancestry (Armenian). The managers and/or supervisors condoned,
18 ratified, allowed and/or otherwise permitted other employees of Defendant Bloomberg and/or
19 Does Defendants to harass Plaintiff and subject him to separate, continuing and ongoing
20 incidents of harassment including, without limitation, ethnic epithets, prejudicial, disparaging,
21 abusive, contemptuous, and/or crude and crass remarks, comments, jokes and/or statements
22 based on Plaintiff's national origin/ancestry (Armenian). The managers and/or supervisors
23 condoned, ratified, allowed and/or otherwise permitted other employees of Defendant
24 Bloomberg and/or Does Defendants to harass Plaintiff and subject him to separate, continuing
25 and ongoing incidents of harassment including, without limitation, harassing, humiliating,
26 disparaging, abusive, contemptuous, and/or crude and crass remarks, comments, jokes and/or
27 statements, and/or as otherwise alleged herein, based on Plaintiff's disability/medical condition
28 (clinical depression). The discrimination and harassment were severe and/or pervasive and an

1 ongoing and continuous course of conduct so as to create a hostile work environment. Said
2 Defendants took tangible employment action against Plaintiff for his refusal to acquiesce to the
3 discrimination and harassment.

4 **53.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
5 employment through June 27, 2014, the acts and conduct alleged herein by Defendant Bloomberg
6 and Doe Defendants, their employees, agents, representatives, managers and/or supervisors,
7 within the course and scope of such employment, agency and/or representation, which harassed
8 Plaintiff based on his national origin/ancestry (Armenian), violated California Government Code
9 Section 12940 et seq. The acts and conduct alleged herein by Defendant Bloomberg and Doe
10 Defendants, their employees, agents, representatives, managers and/or supervisors, within the
11 course and scope of such employment, agency and/or representation, which created a hostile
12 work environment based on Plaintiff's national origin/ancestry (Armenian), violated California
13 Government Code Section 12940 et seq.

14 **54.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
15 employment through June 27, 2014, the acts and conduct alleged herein by Defendant Bloomberg
16 and Doe Defendants, their employees, agents, representatives, managers and/or supervisors,
17 within the course and scope of such employment, agency and/or representation, were the
18 proximate, legal cause and/or a substantial factor in causing damages to Plaintiff, both special
19 and general damages, according to proof at the time of trial.

20 **55.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
21 employment through June 27, 2014, the wilful, knowing, and/or intentional acts and conduct of
22 discrimination and/or retaliation alleged herein by Defendant Bloomberg and Doe Defendants,
23 their employees, agents, representatives, managers and/or supervisors, within the course and
24 scope of such employment, agency and/or representation, directly and legally caused Plaintiff to
25 suffer actual damages pursuant to California Civil Code § 3333, including but not limited to, a
26 substantial reduction in past and current income and future income potential in sums as may be
27 shown according to proof; a substantial injury and damage to his occupation and professional
28 reputation in a sum as may be shown according to proof; and extreme humiliation,

1 embarrassment, depression, sleeplessness, emotional pain, emotional distress, mental anguish,
 2 loss of enjoyment of life and other losses from the date of said acts all to Plaintiff's damage in a
 3 sum as may be shown according to proof, as well as other general and special damages according
 4 to proof.

5 **56.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
 6 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
 7 employees, agents, representatives, managers and/or supervisors, within the course and scope of
 8 such employment, agency and/or representation, committed the acts and conduct alleged herein
 9 maliciously, fraudulently and oppressively with the wrongful intention of injuring Plaintiff, from
 10 an improper and evil motive amounting to malice, and in conscious disregard of the rights of
 11 Plaintiff. As a result, Plaintiff requests and is entitled to an award of punitive damages.

12 **57.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
 13 employment through June 27, 2014, as a result of the acts and conduct alleged herein of
 14 Defendant Bloomberg and Doe Defendants, their employees, agents, representatives, managers
 15 and/or supervisors, within the course and scope of such employment, agency and/or
 16 representation, Plaintiff requests and is entitled to attorneys' fees and prejudgment interest.
 17 Pursuant to California Government Code Section 12965(b), Plaintiff requests and is entitled to an
 18 award of attorneys' fees against said Defendants under this cause of action.

19 **FOURTH CAUSE OF ACTION**

20 **RETALIATION**

21 **(California Government Code Section 12940 (h))**

22 **(Against Defendant Bloomberg and Doe Defendants)**

23 **58.** The allegations of every other paragraph of this Complaint are incorporated herein
 24 by reference as if set forth in full below.

25 **59.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
 26 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
 27 employees, agents, representatives, managers and/or supervisors, within the course and scope of
 28 such employment, agency and/or representation, undertook retaliatory and/or adverse

1 employment action against Plaintiff, which materially affected the terms and conditions of his
2 employment, in response to Plaintiffs complaints of and/or opposition to the acts and conduct of
3 discrimination and/or disparate treatment alleged herein. After Plaintiff complained of and/or
4 opposed such acts and conduct of discrimination and/or disparate treatment, and in response
5 thereto, said Defendants subjected Plaintiff to even worse and more frequent acts and conduct of
6 discrimination and/or disparate treatment, which were the same or similar to the acts and conduct
7 of discrimination and/or disparate treatment alleged herein.

8 **60.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
9 employment through June 27, 2014, the managers and/or supervisors of Defendant Bloomberg and
10 Doe Defendants, their employees, agents, representatives, within the course and scope of such
11 employment, agency and/or representation, in response to Plaintiff's complaints of and/or
12 opposition to the acts and conduct of discrimination and/or disparate treatment alleged herein,
13 condoned, ratified, allowed and/or otherwise permitted other employees of Defendant
14 Bloomberg and/or Does Defendants to subject Plaintiff to even worse and more frequent acts and
15 conduct of discrimination and/or disparate treatment, which were the same or similar to the acts
16 and conduct of discrimination and/or disparate treatment alleged herein.

17 **61.** On or about June 27, 2014, Defendant Bloomberg and Doe Defendants, their
18 employees, agents, representatives, managers and/or supervisors, within the course and scope of
19 such employment, agency and/or representation, terminated Plaintiff in response to Plaintiffs
20 complaints of and/or opposition to the acts and conduct of discrimination and/or disparate
21 treatment alleged herein. Said Defendants claimed that Plaintiff's based on other reasons and the
22 complaints of other workers, however, Plaintiff's termination was motivated by and in retaliation
23 for Plaintiff's prior complaints of and/or opposition to the acts and conduct of discrimination
24 and/or disparate treatment alleged herein.

25 **62.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
26 employment through June 27, 2014, the acts and conduct alleged herein by Defendant Bloomberg
27 and Doe Defendants, their employees, agents, representatives, managers and/or supervisors,
28 within the course and scope of such employment, agency and/or representation, which were

1 retaliatory and/or adverse employment action taken against Plaintiff in response to Plaintiffs'
2 prior complaints of and/or opposition to the acts and conduct of discrimination and/or disparate
3 treatment alleged herein, violated California Government Code Section 12940 et seq. The acts
4 and conduct alleged herein by Defendant Bloomberg and Doe Defendants, their employees,
5 agents, representatives, managers and/or supervisors, within the course and scope of such
6 employment, agency and/or representation, to terminate Plaintiff's employment in response to
7 Plaintiffs' prior complaints of and/or opposition to the acts and conduct of discrimination and/or
8 disparate treatment alleged herein, violated California Government Code Section 12940 et seq.

9 **63.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
10 employment through June 27, 2014, the acts and conduct alleged herein by Defendant Bloomberg
11 and Doe Defendants, their employees, agents, representatives, managers and/or supervisors,
12 within the course and scope of such employment, agency and/or representation, were the
13 proximate, legal cause and/or a substantial factor in causing damages to Plaintiff, both special
14 and general damages, according to proof at the time of trial.

15 **64.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
16 employment through June 27, 2014, the wilful, knowing, and/or intentional acts and conduct of
17 discrimination and/or retaliation alleged herein by Defendant Bloomberg and Doe Defendants,
18 their employees, agents, representatives, managers and/or supervisors, within the course and
19 scope of such employment, agency and/or representation, directly and legally caused Plaintiff to
20 suffer actual damages pursuant to California Civil Code § 3333, including but not limited to, a
21 substantial reduction in past and current income and future income potential in sums as may be
22 shown according to proof; a substantial injury and damage to his occupation and professional
23 reputation in a sum as may be shown according to proof; and extreme humiliation,
24 embarrassment, depression, sleeplessness, emotional pain, emotional distress, mental anguish,
25 loss of enjoyment of life and other losses from the date of said acts all to Plaintiff's damage in a
26 sum as may be shown according to proof, as well as other general and special damages according
27 to proof.
28

65. On or about July 16, 2012, and continuing during and throughout Plaintiff's employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their employees, agents, representatives, managers and/or supervisors, within the course and scope of such employment, agency and/or representation, committed the acts and conduct alleged herein maliciously, fraudulently and oppressively with the wrongful intention of injuring Plaintiff, from an improper and evil motive amounting to malice, and in conscious disregard of the rights of Plaintiff. As a result, Plaintiff requests and is entitled to an award of punitive damages.

66. On or about July 16, 2012, and continuing during and throughout Plaintiff's employment through June 27, 2014, as a result of the acts and conduct alleged herein of Defendant Bloomberg and Doe Defendants, their employees, agents, representatives, managers and/or supervisors, within the course and scope of such employment, agency and/or representation, Plaintiff requests and is entitled to attorneys' fees and prejudgment interest. Pursuant to California Government Code Section 12965(b), Plaintiff requests and is entitled to an award of attorneys' fees against said Defendants under this cause of action.

FIFTH CAUSE OF ACTION

FAILURE TO PREVENT HARASSMENT, HOSTILE WORK ENVIRONMENT,

DISCRIMINATION AND RETALIATION

(California Government Code Section 12940(k))

(Against Defendant Bloomberg and Doe Defendants)

67. The allegations of every other paragraph of this Complaint are incorporated herein by reference as if set forth in full below.

68. On or about July 16, 2012, and continuing during and throughout Plaintiff's employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their employees, agents, representatives, managers and/or supervisors, within the course and scope of such employment, agency and/or representation, failed to take all reasonable steps necessary to prevent the harassment, hostile work environment, discrimination, disparate treatment, and/or retaliation alleged herein from occurring. Said Defendants did not undertake any reasonable investigation of the subject incidents and did not implement and reasonable work place

1 procedures, regulations, protocol, and/or practices to stop the harassment, hostile work
2 environment, discrimination, disparate treatment, and/or retaliation alleged herein from
3 occurring. The managers and/or supervisors of Defendant Bloomberg and Doe Defendants, their
4 employees, agents, representatives, within the course and scope of such employment, agency
5 and/or representation, condoned, ratified, allowed and/or otherwise permitted other employees of
6 Defendant Bloomberg and/or Doe Defendants to subject Plaintiff to the same or worse
7 harassment, hostile work environment, discrimination, disparate treatment, and/or retaliation
8 alleged herein.

9 **69.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
10 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
11 employees, agents, representatives, managers and/or supervisors, within the course and scope of
12 such employment, agency and/or representation, failed to remedy the harassment, hostile work
13 environment, discrimination, disparate treatment, and/or retaliation alleged herein. Said
14 Defendants did not undertake any reasonable investigation of the subject incidents and did not
15 implement any reasonable work place procedures, protocol, and/or practices to remedy the
16 harassment, hostile work environment, discrimination, disparate treatment, and/or retaliation
17 alleged herein from occurring. The managers and/or supervisors of Defendant Bloomberg and
18 Doe Defendants, their employees, agents, representatives, within the course and scope of such
19 employment, agency and/or representation, condoned, ratified, allowed and/or otherwise
20 permitted other employees of Defendant Bloomberg and/or Doe Defendants to subject Plaintiff
21 to the same or worse harassment, hostile work environment, discrimination, disparate treatment,
22 and/or retaliation alleged herein.

23 **70.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
24 employment through June 27, 2014, the acts, conduct and/or omissions alleged herein by
25 Defendant Bloomberg and Doe Defendants, their employees, agents, representatives, managers
26 and/or supervisors, within the course and scope of such employment, agency and/or
27 representation, which failed to prevent the harassment, hostile work environment, discrimination,
28 disparate treatment, and/or retaliation alleged herein from occurring, violated California

1 Government Code Section 12940 et seq. The acts, conduct and/or omissions alleged herein by
2 Defendant Bloomberg and Doe Defendants, their employees, agents, representatives, managers
3 and/or supervisors, within the course and scope of such employment, agency and/or
4 representation, which failed to remedy the harassment, hostile work environment, discrimination,
5 disparate treatment, and/or retaliation alleged herein, violated California Government Code
6 Section 12940 et seq.

7 71. On or about July 16, 2012, and continuing during and throughout Plaintiff's
8 employment through June 27, 2014, the acts and conduct alleged herein by Defendant Bloomberg
9 and Doe Defendants, their employees, agents, representatives, managers and/or supervisors,
10 within the course and scope of such employment, agency and/or representation, were the
11 proximate, legal cause and/or a substantial factor in causing damages to Plaintiff, both special
12 and general damages, according to proof at the time of trial.

13 72. On or about July 16, 2012, and continuing during and throughout Plaintiff's
14 employment through June 27, 2014, the wilful, knowing, and/or intentional acts and conduct of
15 discrimination and/or retaliation alleged herein by Defendant Bloomberg and Doe Defendants,
16 their employees, agents, representatives, managers and/or supervisors, within the course and
17 scope of such employment, agency and/or representation, directly and legally caused Plaintiff to
18 suffer actual damages pursuant to California Civil Code § 3333, including but not limited to, a
19 substantial reduction in past and current income and future income potential in sums as may be
20 shown according to proof; a substantial injury and damage to his occupation and professional
21 reputation in a sum as may be shown according to proof; and extreme humiliation,
22 embarrassment, depression, sleeplessness, emotional pain, emotional distress, mental anguish,
23 loss of enjoyment of life and other losses from the date of said acts all to Plaintiff's damage in a
24 sum as may be shown according to proof, as well as other general and special damages according
25 to proof.

26 73. On or about July 16, 2012, and continuing during and throughout Plaintiff's
27 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
28 employees, agents, representatives, managers and/or supervisors, within the course and scope of

1 such employment, agency and/or representation, committed the acts and conduct alleged herein
 2 maliciously, fraudulently and oppressively with the wrongful intention of injuring Plaintiff, from
 3 an improper and evil motive amounting to malice, and in conscious disregard of the rights of
 4 Plaintiff. Defendant Bloomberg and/or Doe Defendants had advanced knowledge of the
 5 unfitness of their employees, supervisors and/or managers with regard to their views and/or
 6 potential treatment of Armenians, but employed them nonetheless with a conscious disregard of
 7 the rights and safety of the Plaintiff and others, or ratified or authorized the harassment, hostile
 8 work environment, discrimination, disparate treatment, and/or retaliation alleged herein. Many
 9 of the acts of harassment, discrimination, disparate treatment, and/or retaliation alleged herein
 10 were directly undertaken by the owners and managing agents of Defendant Bloomberg and/or
 11 Doe Defendants. The advance knowledge, or acts of oppression, fraud, or malice or acts of
 12 ratification or authorization were on the part of the owners or other managing agents acting on
 13 behalf of Defendant Bloomberg and/or Doe Defendants. As a result, Plaintiff requests and is
 14 entitled to an award of punitive damages.

15 74. On or about July 16, 2012, and continuing during and throughout Plaintiff's
 16 employment through June 27, 2014, as a result of the acts and conduct alleged herein of
 17 Defendant Bloomberg and Doe Defendants, their employees, agents, representatives, managers
 18 and/or supervisors, within the course and scope of such employment, agency and/or
 19 representation, Plaintiff requests and is entitled to attorneys' fees and prejudgment interest.
 20 Pursuant to California Government Code Section 12965(b), Plaintiff requests and is entitled to an
 21 award of attorneys' fees against said Defendants under this cause of action.

22 SIXTH CAUSE OF ACTION

23 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

24 **(Against Defendant Bloomberg and Doe Defendants)**

25 75. The allegations of every other paragraph of this Complaint are incorporated herein
 26 by reference as if set forth in full below.

27 76. On or about 27, 2014, Defendant Bloomberg and Doe Defendants, their
 28 employees, agents, representatives, managers and/or supervisors, within the course and scope of

1 such employment, agency and/or representation, terminated Plaintiff in violation of a
2 fundamental public policy. Plaintiff's termination was based on or motivated by his national
3 origin/ancestry (Armenian) and/or disability/medical condition (clinical depression).

4 77. The personal right which is of fundamental public importance is the prohibition
5 against discrimination and retaliation by employers against their employees based on national
6 origin/ancestry (Armenian) and/or disability/medical condition (clinical depression). This public
7 policy of the State of California is codified in and supported by California Government Code
8 Sections 12940 and 12941, inures to the benefit of the public, designed to protect all employees,
9 promoted the welfare and well-being of the community at large, was articulated and in full force
10 and effect at the time of Plaintiff's discharge, and is a fundamental and substantial.

11 78. On or about July 16, 2012, and continuing during and throughout Plaintiff's
12 employment through June 27, 2014, the acts, conduct and/or omissions alleged herein by
13 Defendant Bloomberg and Doe Defendants, their employees, agents, representatives, managers
14 and/or supervisors, within the course and scope of such employment, agency and/or
15 representation, which resulted in the termination of Plaintiff based on or motivated by his
16 national origin/ancestry (Armenian) and/or disability/medical condition (clinical depression),
17 violated California Government Code Sections 12940 and 12941, and the laws and regulations
18 promulgated thereunder.

19 79. On or about July 16, 2012, and continuing during and throughout Plaintiff's
20 employment through June 27, 2014, the acts and conduct alleged herein by Defendant Bloomberg
21 and Doe Defendants, their employees, agents, representatives, managers and/or supervisors,
22 within the course and scope of such employment, agency and/or representation, were the
23 proximate, legal cause and/or a substantial factor in causing damages to Plaintiff, both special
24 and general damages, according to proof at the time of trial.

25 80. On or about July 16, 2012, and continuing during and throughout Plaintiff's
26 employment through June 27, 2014, the wilful, knowing, and/or intentional acts and conduct of
27 discrimination and/or retaliation alleged herein by Defendant Bloomberg and Doe Defendants,
28 their employees, agents, representatives, managers and/or supervisors, within the course and

1 scope of such employment, agency and/or representation, directly and legally caused Plaintiff to
2 suffer actual damages pursuant to California Civil Code § 3333, including but not limited to, a
3 substantial reduction in past and current income and future income potential in sums as may be
4 shown according to proof; a substantial injury and damage to his occupation and professional
5 reputation in a sum as may be shown according to proof; and extreme humiliation,
6 embarrassment, depression, sleeplessness, emotional pain, emotional distress, mental anguish,
7 loss of enjoyment of life and other losses from the date of said acts all to Plaintiff's damage in a
8 sum as may be shown according to proof, as well as other general and special damages according
9 to proof.

10 **81.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
11 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their
12 employees, agents, representatives, managers and/or supervisors, within the course and scope of
13 such employment, agency and/or representation, committed the acts and conduct alleged herein
14 maliciously, fraudulently and oppressively with the wrongful intention of injuring Plaintiff, from
15 an improper and evil motive amounting to malice, and in conscious disregard of the rights of
16 Plaintiff. Defendant Bloomberg and/or Doe Defendants had advanced knowledge of the
17 unfitness of their employees, supervisors and/or managers with regard to their views and/or
18 potential treatment of Armenians, but employed them nonetheless with a conscious disregard of
19 the rights and safety of the Plaintiff and others, or ratified or authorized the harassment, hostile
20 work environment, discrimination, disparate treatment, and/or retaliation alleged herein. Many
21 of the acts of harassment, discrimination, disparate treatment, and/or retaliation alleged herein
22 were directly undertaken by the owners and managing agents of Defendant Bloomberg and/or
23 Doe Defendants. The advance knowledge, or acts of oppression, fraud, or malice or acts of
24 ratification or authorization were on the part of the owners or other managing agents acting on
25 behalf of Defendant Bloomberg and/or Doe Defendants. As a result, Plaintiff requests and is
26 entitled to an award of punitive damages.

27 **82.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
28 employment through June 27, 2014, as a result of the acts and conduct alleged herein of

1 Defendant Bloomberg and Doe Defendants, their employees, agents, representatives, managers
 2 and/or supervisors, within the course and scope of such employment, agency and/or
 3 representation, Plaintiff requests and is entitled to attorneys' fees and prejudgment interest.
 4 Pursuant to California Government Code Section 12965(b), Plaintiff requests and is entitled to an
 5 award of attorneys' fees against said Defendants under this cause of action.

SEVENTH CAUSE OF ACTION

NEGLIGENT HIRING, RETENTION AND SUPERVISION

(Against Defendant Bloomberg and Doe Defendants)

9 **83.** The allegations of every other paragraph of this Complaint are incorporated herein
 10 by reference as if set forth in full below.

11 **84.** Defendant Bloomberg and Doe Defendants, their employees, agents,
 12 representatives, managers and/or supervisors, within the course and scope of such employment,
 13 agency and/or representation, knew or should have known that certain employees, managers and
 14 supervisors hired and/or retained were incompetent or unfit for the job, or posed a particular
 15 harm to others and that harm materialized, and/or failed to use reasonable care to discover their
 16 unfitness, unfitness, or particular harm before hiring them, which proximately caused injuries
 17 and/or damages to Plaintiff, at all relevant times herein.

18 **85.** Defendant Bloomberg and Doe Defendants, their employees, agents,
 19 representatives, managers and/or supervisors, within the course and scope of such employment,
 20 agency and/or representation, knew or reasonably should have known, that employees, managers
 21 and supervisors had engaged in the acts and conduct alleged herein, at all relevant times herein.
 22 Said Defendants knew or should have known that employees, managers and supervisors had a
 23 previous history of engaging in acts and conduct alleged herein which could cause injury and/or
 24 damage to Plaintiff and others, and failed to do anything to prevent such injury and/or damages,
 25 at all relevant times herein. Said Defendants knew or reasonably should have known that the acts
 26 and conduct alleged herein violated Plaintiff's rights under federal and state law, at all relevant
 27 times herein.

86. Defendant Bloomberg and Doe Defendants, their employees, agents, representatives, managers and/or supervisors, within the course and scope of such employment, agency and/or representation, knew or reasonably should have known that the acts and conduct alleged herein could, would and did proximately result in injury and emotional distress to Plaintiff, at all relevant times herein. The conduct, acts and/or omissions alleged herein by said Defendants were substantial factor in causing injury and harm to Plaintiff.

87. Defendant Bloomberg and Doe Defendants, their employees, agents, representatives, managers and/or supervisors, within the course and scope of such employment, agency and/or representation, knew or reasonably should have known that unless they intervened to protect Plaintiff, and to adequately supervise, prohibit, control, regulate, discipline, and/or otherwise penalize the acts and conduct of the supervisors or other employees alleged herein, the remaining Defendants and employees perceived the conduct and omissions as ratified and condoned, at all relevant times herein. The negligent failures of the Defendants to protect Plaintiff, and to supervise, prohibit, control, regulate, discipline, and/or otherwise penalize adequately the conduct and omissions of the supervisors and employees alleged herein violated Plaintiff's rights under state statutes and common law, at all relevant times herein.

88. Plaintiff suffered actual injury and harm, both general and special damages, including, without limitation, injuries to their health, strength and well being, physical injuries, past, present and future, emotional distress, anxiety, headaches, tension, depression, humiliation, pain and suffering, medical expenses, past, present and future, lose of income, past, present and future, loss of earning capacity, past, present and future, and other general and/or special damages, according to proof at trial.

EIGHT CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(Against Defendant Bloomberg and Doe Defendants)

89. The allegations of every other paragraph of this Complaint are incorporated herein by reference as if set forth in full below.

1 **90.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
2 employment through June 27, 2014, Defendant Bloomberg and Doe Defendants, their employees,
3 agents, representatives, managers and/or supervisors, within the course and scope of such
4 employment, agency and/or representation, engaged in outrageous conduct with the intent to
5 cause, or with reckless disregard of the probability of causing, emotional distress, the outrageous
6 conduct was a substantial factor in causing Plaintiff's severe emotional distress, and Plaintiff
7 suffered severe emotional distress.

8 **91.** On or about July 16, 2012, and continuing during and throughout Plaintiff's
9 employment through June 27, 2014, the acts and conduct alleged herein by Defendant Bloomberg
10 and Doe Defendants, their employees, agents, representatives, managers and/or supervisors,
11 within the course and scope of such employment, agency and/or representation, were egregious
12 and significantly exceeded the ordinary or normal nature and scope of the employment
13 relationship. Said Defendants knew that the acts and conduct alleged herein would result in
14 Plaintiff's severe emotional distress, and such acts and conduct was perpetuated by said
15 Defendant with the intent to inflict, or with reckless disregard of inflicting, severe humiliation,
16 mental anguish and/or emotional distress upon Plaintiff, with such acts and conduct alleged
17 herein resulting in or causing Plaintiff to suffer severe, humiliation, mental anguish and/or
18 emotional distress, and Plaintiff actually suffering severe, humiliation, mental anguish and/or
19 emotional distress. Defendants Bloomberg and/or Doe Defendants are liable for the acts and
20 conduct alleged herein by their employees, managers and/or supervisors because they ratified
21 such acts and conduct by continuing to employ the employees, managers and/or supervisors
22 who engaged in the acts and conduct alleged herein despite their knowledge of their
23 propensities, failing to fully investigate Plaintiff's complaints, and retaining the employees,
24 managers and/or supervisors.

25 **92.** Plaintiff suffered actual injury and harm, both general and special damages,
26 including, without limitation, injury to their health, strength and well being, physical injuries,
27 past, present and future, severe humiliation, mental anguish, emotional distress, medical
28 expenses, past, present and future, loss of income, past, present and future, loss of earning

1 capacity, past, present and future, and other general and/or special damages, according to proof at
2 trial.

3 PRAYER

4 WHEREFORE, Plaintiff prays for relief and judgment against Defendants, as follows:

- 5 1. For general damages in an amount according to proof;
- 6 2. For special damages in an amount according to proof;
- 7 3. For compensatory damages including but not limited to lost wages, lost employee
8 benefits, bonuses, mental and emotional distress, medical and related expenses, expenses
9 of seeking substitute employment, loss of benefits, and other special, general and
10 compensatory damages in an amount according to proof;
- 11 4. For punitive and exemplary damages in an amount according to proof;
- 12 5. For attorneys' fees pursuant to California Government Code Section 12965, and other
13 provisions of law;
- 14 6. For prejudgment and post judgment interest as allowed by law;
- 15 7. For costs of suit; and
- 16 8. For such other and further relief as the Court may deem just and proper.

17
18 Dated: December 17, 2014

By: 

John Akopian, Esq.
Attorney for Plaintiff
Edgar Harutyunyan

21 JURY TRIAL DEMAND

22 Plaintiff hereby demands trial of all issues by jury.

23
24 Dated: December 17, 2014

By: 

John Akopian, Esq.
Attorney for Plaintiff
Edgar Harutyunyan

EXHIBIT 1



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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www.dfeh.ca.gov

DIRECTOR PHYLUS W. CHENG

DRAFT

Edgar Harutyunyan
3003 Olin Ave Apt 219
San Jose California 95128

RE: Notice of Case Closure and Right to Sue

DFEH Matter Number: 377579-127856

Right to Sue: Harutyunyan / Mary Hannawacker Bloomberg L.P

Dear Edgar Harutyunyan,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing